

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 \* \* \*

9 TRACY WAYNE VICKERS,

Case No. 3:17-cv-00296-MMD-WGC

10 Plaintiff,

TRANSFER ORDER

11 v.

12 STATE OF TENNESSEE, *et al.*,

13 Defendants.

14 Plaintiff, a *pro se* prisoner who is incarcerated at Lovelock Correctional Center in  
15 Nevada, has submitted an application to proceed *in forma pauperis* and a civil rights  
16 complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1.) Plaintiff sues various  
17 defendants for events that took place while Plaintiff was incarcerated in Cannon County,  
18 Tennessee. (ECF No. 1-1 at 2.) All of the defendants reside in Tennessee. (*Id.*)

19 Pursuant to 28 U.S.C. § 1391(b), a plaintiff may bring an action in:

20 (1) a judicial district in which any defendant resides, if all defendants are  
21 residents of the State in which the district is located; (2) a judicial district in  
22 which a substantial part of the events or omissions giving rise to the claim  
23 occurred, or a substantial part of property that is the subject of the action is  
24 situated; or (3) if there is no district in which an action may otherwise be  
brought as provided in this section, any judicial district in which any  
defendant is subject to the court's personal jurisdiction with respect to such  
action.

25 28 U.S.C. § 1391(b)(1)-(3). Pursuant to 28 U.S.C. § 1406, if a case has been filed in the  
26 wrong district or division, the district court in which the case has been incorrectly filed may  
27 "transfer such case to any district or division in which it could have been brought." 28  
28 U.S.C. § 1406(a).

1 The Court finds that the District of Nevada is not the appropriate venue for this  
2 action because the events occurred in Cannon County, Tennessee and the defendants  
3 reside in Tennessee. Cannon County is in the Middle District of Tennessee, Nashville  
4 Division. The Court directs the Clerk of the Court to transfer this action to the United  
5 States District Court for the Middle District of Tennessee, Nashville Division. This Court  
6 offers no opinion on the merits of this action or on the application to proceed *in forma*  
7 *pauperis*.

8 For the foregoing reasons, it is ordered that the Clerk of the Court will transfer this  
9 case to the United States District Court for the Middle District of Tennessee, Nashville  
10 Division.

11 It is further ordered that the Clerk of the Court close the case in this Court.

12 DATED THIS 10<sup>th</sup> day of May 2017.

13  
14  
15 

16 MIRANDA M. DU  
17 UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28